

Remarks

This is in response to the final Office Action mailed on May 19, 2005. Claim 9 is amended to depend from claim 39. Claims 1-17, 39, and 40 remain pending, with claims 1 and 17 being independent. Reconsideration and allowance are respectfully requested for at least the following reasons.

I. Claim Rejections - 35 U.S.C. § 103

In section 3 of the Action, claims 1-17, 39, and 40 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Glidewell et al. (U.S. Patent No. 5,319,698) in view of Kass et al. (U.S. Patent No. 5,189,392) and Breed et al. (U.S. Patent No. 6,179,326). This rejection is respectfully traversed, and reconsideration is requested for at least the following reasons.

A prima facie case of obviousness can only be established when there is some teaching, suggestion, or motivation to do so found explicitly or implicitly in the references themselves. The possible sources for motivation to combine references are: (a) the nature of problem being solved; (b) the teaching of the prior art; and (c) the knowledge of one skilled in the art. MPEP § 2143.01.

The motivation to combine Breed with Glidewell and Kass is articulated in the Action as follows:

[T]he idea of using an exhaust fan to expel toxic gas to the exterior of a dwelling is well known in the art as taught by Breed wherein when harmful gas is detected, a device is energized to break the windows (figure 11A and 11B) of a vehicle and to use an exhaust fan [to] expel the toxic gas built up inside the vehicle. In light of this teaching, it would have been obvious to one skilled in the art to apply this concept in the system of Glidewell and Kass because it further enhance[s] the safety feature of the system.

....

In this case, one skilled in the art would have readily recognized combining the teaching in Breed [with] Glidewell and Kass because it is common sense to open a[n] enclosed space to reduce [a] toxic substance present within the space.

Action, p. 3, ll. 16-21; p. 9, ll. 2-4. It is respectfully suggested that the motivation to combine Breed with Glidewell and Kass noted above is based on impermissible hindsight. MPEP § 2145(X)(A). It is respectfully suggested that there is no motivation to combine Breed with Glidewell and Kass for the following reasons.

(a) The Nature of the Problems Being Solved

Glidewell discloses a security system for detecting and signaling the presence of abnormal security or hazardous environmental conditions (e.g., unauthorized entry, glass breakage, fire, smoke, high water level, etc.). Glidewell, abstract. Kass discloses a safety apparatus for shutting off a unit upon detecting a predetermined environmental condition (e.g., gas). Kass, abstract. Consequently, both Glidewell and Kass are directed to the problem of detecting environmental conditions in a building such as a home.

In contrast, Breed is directed to an airbag deployment system in a vehicle. The sensor system in Breed does not detect environmental conditions, but is instead configured to detect the occurrence of a vehicular crash. Breed, col. 1, ll. 19-30. Breed is therefore directed to the problem of deployment of an airbag in a vehicle.

The problem that is addressed by Glidewell and Kass (i.e., detection of an environmental condition in a home) is different from the problem that is addressed by Breed (i.e., deployment of an airbag in a vehicle). The nature of the problems being solved therefore does not provide a motivation to combine Breed with Glidewell and Kass.

(b) The Teaching of the Prior Art

None of the references of record teach or suggest the combination of Breed with Glidewell and Kass. For example, neither Glidewell nor Kass discloses or suggests that it would be desirable to modify the system disclosed therein to include a system to decrease pressure in a vehicle to allow toxic gases generated by an airbag to be exhausted, as disclosed by Breed. There is therefore no express or implicit teaching to motivate the combination of Breed with Glidewell and Kass.

(c) The Knowledge of One Skilled in the Art

It is respectfully suggested that one skilled in the art would not be motivated to combine Breed with Glidewell and Kass. For example, one skilled in the art of systems used to detect environmental conditions in a home would not be motivated to look to an airbag system for a vehicle to modify such detection systems. One skilled in the art would therefore not be motivated to combine Breed with Glidewell and Kass.

II. Allowable Subject Matter

In section 4 of the Action, claims 11-14 were noted as being allowable. Applicants appreciate the Examiner's assistance in identifying allowable subject matter. All claims are in condition for allowance.

III. Conclusion

The remarks set forth above provide certain arguments in support of the patentability of the pending claims. There may be other reasons that the pending claims are patentably distinct over the cited references, and the right to raise any such other reasons or arguments in the future is expressly reserved.

Favorable reconsideration in the form of a Notice of Allowance is respectfully requested. Please contact the undersigned attorney with any questions regarding this application.

Respectfully submitted,
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